

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SARASOTA WINE MARKET, LLC,)
d/b/a MAGNUM WINE AND)
TASTING, et al.,)
)
)
Plaintiffs,)
)
v.) Case No. 4:17-cv-2792 HEA
)
)
Michael L. Parson, et al.,)
)
)
Defendants.)

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
NOTICE OF ACTION BY U.S. SUPREME COURT**

Defendants state that this Court should proceed with ruling on the motion to dismiss Plaintiff's Amended Complaint. [Doc. #37] The issues in Missouri are not directly related to the United States Supreme Court's review of *Byrd v. Tennessee Wine & Spirits Assoc.*, 883 F.3d 608 (6th Cir. 2018). Missouri has the right to limit retailers who are licensed to sell alcohol in this state.

The Supreme Court's decision in *Byrd* will not be made until sometime in 2019 or later. There is no reason for this district court to hold up its decision based on a certiorari question in the U. S. Supreme Court that has not been briefed, much less argued.

Defendants request that this court proceed with its decision on their Motion to Dismiss the Amended Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of October, 2018, a copy of the foregoing was filed via the Court's electronic filing system and was served by operation of the CM-ECF system on all counsel of record.

/s/ Katherine S. Walsh